

April 6, 2004

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, April 6, 2004 at 6:00 p.m. in the Courthouse Annex VI Superior Courtroom, 116 South Broad Street, Monroe, Ga. Those present included Chairman Kevin Little, Commissioners Clinton Ayers, Michael Turner, Phil Green, Lamar Palmer, Gerald Atha and John Robinson, County Clerk Leta Talbird, Associate County Attorney Bill Childers and Planning Director Mike Martin. A list of citizens and other employees in attendance at this meeting is on file in the auxiliary file under this meeting date.

Coach Timothy Kemp came before the Board to present the Work Force Investment Act and the availability of youth for summer employment with the Recreation Department.

Chairman Little called the meeting to order at 6:15 p.m. and led those present in the Pledge of Allegiance. Commissioner Ayers opened the meeting in prayer.

Commissioner Turner made a motion to adopt the agenda as presented, with requested addition. Commissioner Atha seconded the motion. All voted in favor.

Commissioner Robinson made a motion to table a decision on an agreement with City of Social Circle Schools. Commissioner Turner seconded the motion; voted and carried unanimously.

Commissioner Turner made a motion to table a decision on Local Certification Acceptance of changes to county road inventory. Commissioner Ayers seconded the motion. All voted in favor.

The Board considered an annexation request from the City of Loganville for 20.33 acres located at 3859 Claude Brewer Road for Leah Fortner, A. Fortner Construction. Commissioner Turner made a motion to deny the annexation based on traffic congestion already in the area, stating that the proposed annexation would create a safety hazard to the traveling public. Commissioner Ayers seconded the motion; voted and carried unanimously.

The Board considered an annexation request from the City of Loganville for 15.02 acres located on Rock Road for Linton Swindell, Vintage Communities. Commissioner Ayers made a motion to deny the annexation due to traffic congestion in the area, especially on Ga. Hwy. 81. Commissioner Turner seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to amend the Land Use Designation from High Density Residential to Commercial for Fizco, Ltd. The effected property is located on Ga. Hwy. 20 and is further identified on WC Tax Map C 1, Parcel 18 Split. The purpose of the request is to change the land use designation to commercial on 3 acres. Chairman Little opened the public hearing on the matter. Michelle Battle of the Battle Law Group, representing the applicant, came before the Board in support of the amendment. There was no one present in opposition to the amendment. Commissioner Ayers made a motion to approve the amendment. Commissioner Robinson seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 to R-1 & B-3 for Fizco, Ltd. The effected property is located on Ga. Hwy. 20 and is further identified on WC Tax Map C 1, Parcel 18. The purpose of the request is to rezone 6.51 acres to R-1 for a

single-family subdivision and 3.00 acres to B-3 for a retail/office facility. Ms. Battle stated that the applicant would like to downgrade the rezone request to B-2 for the 3.00 acres. There was no one present in opposition to the rezone. Chairman Little closed the public hearing on the matter. Commissioner Ayers asked Ms. Battle if the applicant would consider rezoning the 3.00 acres to O & I. Ms. Battle stated that the applicant would request deferral on the matter in order to submit a list of proposed uses in B-2. Commissioner Ayers made a motion to table the matter until the May 4, 2004 meeting. Commissioner Green seconded the motion. Ms. Battle stated that her client would like to change his mind and agree to the O & I zoning on the 3.00 acres. Commissioner Ayers withdrew his motion to table the matter. Commissioner Green withdrew his second. Commissioner Ayers made a motion to approve the rezone of 3.00 acres to O & I with the condition that there be a planted buffer of 7ft. Leyland Cypress planted on 6 ft. centers to be maintained by the property owner and that any lighting that is put up will be directed inwardly and that all lighting except for security will be turned off by 8:00 or 9:00 p.m. Commissioner Green seconded the motion. Commissioners Ayers, Green, Palmer, Atha and Robinson voted in favor of the motion. Commissioner Turner recused himself from a vote on the matter. The motion carried. Commissioner Ayers made a motion to approve the rezone of 6.051 acres to R-1. Commissioner Green seconded the motion. Commissioners Ayers, Green, Palmer, Atha and Robinson voted in favor of the motion. Commissioner Turner recused himself from a vote on the matter. The motion carried.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 to R-1 with open space conservation overlay for Tal Thompson & Matt Thompson. The effected property is located on Queens Cemetery Road and is further identified on WC Tax Map C 182, parcel 29. The purpose of the request is to rezone 67 acres to R-1 with open space conservation overlay. Chairman Little opened the public hearing on the matter. Tal Thompson came before the Board in support of the rezone. There was no one present in opposition to the rezone. Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion to approve the rezone, based on the recommendation from the Planning Commission. Commissioner Robinson seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 to R-1 for Kipland Land Corp. The effected property, owned by Kipland Land Corp., William R. & Evelyn D. Holden, is located on Gene Bell Road and is further identified on WC Tax Map C 166, Parcels 14 & 15. The purpose of the request is to rezone 38.136 acres to R-1 for a single-family subdivision. Chairman Little opened the public hearing on the matter. Attorney Mike Malcom, representing the applicant and the owners, came before the Board in support of the rezone. Mr. Malcom preserved the applicant's Constitutional rights for the record. Derward Toler spoke in opposition to the rezone, citing concerns about density, buffer zones, increase in traffic at the intersection of Blasingame Road and questions regarding the proposed sewer connection. Chairman Little closed the public hearing on the matter. Commissioner Atha made a motion to approve the rezone with the condition that the houses have stone and brick accents. Commissioner Palmer seconded the motion. Commissioner Atha and Palmer voted in favor of the motion. Commissioners Ayers, Turner, Green and Robinson opposed the motion. The motion failed 2-4.

The Board considered a Planning Commission recommendation to approve a Conditional Use request for Orville & Taryn Robbins. The effected property is located on Amber Stapp Studdard Road and is further identified on WC

Tax Map C 173, Parcel 91M. The purpose of the request is a conditional use for a guesthouse. Chairman Little opened the public hearing on the matter. Taryn Robbins came before the Board in support of the Conditional Use. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion to approve the Conditional Use conditioned upon the guesthouse never being used for rental property. Commissioner Robinson seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to deny a rezone request from A-1 to R-1 for ARCS Land Properties, LLC. The effected property, owned by Jack and Carol Banks, is located at 1791 H.D. Atha Road and is further identified on WC Tax Map C 77, Parcels 65 & 66. The purpose of the request is to rezone 23.367 acres to R-1 for a single-family subdivision. Chairman Little opened the public hearing on the matter. Attorney Mike Malcom, representing the applicant and the property owner, came before the Board in support of the rezone. Mr. Malcom preserved the applicant's Constitutional rights for the record. He presented an updated site plan and photos of the type homes proposed for the Board's review. Bill Lashley, Gene Gallovan, Milton R. Lemond, Austin Hanson and Peggy Fulmer spoke in opposition to the rezone, citing proposed house and lot sizes, drainage problems, water runoff and additional septic tanks as reasons for opposition. Mike Sealing, and Wayne Horne spoke in favor of the rezone. Chairman Little closed the public hearing on the matter. Commissioner Green made a motion to approve the rezone conditioned upon the houses being brick on 3 sides with concrete hardy board siding on the rear of houses, the 5 acre tract in the back of the development can not be subdivided, sodded front yards and minimum 2,400 sq. ft. houses. Commissioner Robinson seconded the motion. All voted in favor.

Commissioner Turner made a motion, seconded by Commissioner Green, to table Planning Commission recommendations to deny a request to amend Land Use Designation from Agriculture/Medium Density to High Density Residential and a rezone request from A-1 to RND for Neslee, LLC until the May 4, 2004 meeting at the request of the applicant. All voted in favor.

The Board considered a Planning Commission recommendation to deny a request to amend Land Use Designation from Low Density Residential to Commercial for Frank Harris. The effected property, owned by Norman & Gloria Colbert, is located at 1920 Ga. Hwy. 138 and is further identified on WC Tax Map C 53, Parcel 216 B, C 52, Parcels 171, 171A, 171B & 171C. The purpose of the request is to change land use designation to commercial on 85.8 acres. Chairman Little opened the public hearing on the matter. Commissioner Green recused himself on the matter. Attorney John Spence, representing the applicant, came before the Board in support of the request. He submitted a letter preserving the applicant's Constitutional rights for the record. Attorney Louis Lawhorn, representing the property owners, came before the Board in support of the request. Gloria Colbert, who owns the effected property, spoke in favor of the request. Joseph Jiovenetta spoke in opposition of the request. He presented a petition signed by residents opposing both the amendment to the land use designation and the proposed rezone. Peggy Hawley, Gerald Smith and Hildred Smith also spoke in opposition, citing the fact that the effected property is located in the WP-2 Cornish Creek Watershed Protection Overlay District and safety concerns due to traffic entering and exiting the effected property on Ga. Hwy. 138 as reasons for opposition. Chairman Little closed the public hearing on the matter. Commissioner Ayers made a motion to deny the amendment to the Land Use Designation, stating that it is not fitting with the agricultural and potential residential designation that surrounds the property. Commissioner Robinson seconded the motion. Commissioners Ayers, Turner, Palmer, Atha & Robinson voted in favor. Commissioner Green recused himself. The

motion carried.

The Board considered a Planning Commission recommendation to deny a rezone request from A-1 & B-2 to B-3 for Frank Harris. The effected property, owned by Norman & Gloria Colbert, is located at 1920 Ga. Hwy. 138 and is further identified on WC Tax Map C 53, Parcel 216 B, C 52, Parcels 171, 171A, 171B & 171C. The purpose of the request is rezone 85.3 acres to B-3 for an automobile impound lot. The public hearing for this matter was held in conjunction with the hearing for an amendment to the Land Use Designation on this same property prior to this request. Commissioner Ayers made a motion to deny the request. Commissioner Robinson seconded the motion. Commissioners Ayers, Turner, Palmer, Atha & Robinson voted in favor of the motion. Commissioner Green recused himself. The motion carried.

The Board considered a Planning Commission recommendation to deny a rezone request from A-1 to R-1 for Overstreet Dev., LLC. The effected property, owned by James Westbrook, is located on Chandler Road and is further identified on WC Tax Map C 194, Parcel 18 Split. The purpose of the request is to rezone 15.00 acres to R-1 for a single-family subdivision. Chairman Little opened the public hearing on the matter. John Shay, representing Overstreet Dev., LLC. came before the Board in support of the rezone. Jack Chandler, Lee Chandler, David Weaver, Teresa Weaver and Derward Toler spoke in opposition to the rezone, citing the danger of adding cars into an area where farm equipment is going up and down the road every day and the concerns for potential lawsuits due to the smell of chicken houses and cattle in the area as reasons for opposition. Ms. Weaver presented a petition signed by residents of Chandler Road who oppose the rezone. Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion to deny the rezone based on the recommendation of the Planning Commission. Commissioner Atha seconded the motion. Commissioners Ayers, Green, Palmer and Atha voted in favor of the motion. Commissioners Turner and Robinson opposed the motion. The motion carried 4-2.

Planning Director Mike Martin presented a Planning Commission recommendation to approve an amendment to the WC Land Development Ordinance Article 4, Part 3, Sections 160 & 170. Commissioner Turner made a motion to approve the amendment. Commissioner Green seconded the motion; voted and carried unanimously.

Mr. Martin presented a Planning Commission recommendation to approve an amendment to the WC Land Development Ordinance Article 4, Section 120 A, B, C and E (2). Commissioner Ayers made a motion to approve the amendment. Commissioner Turner seconded the motion. All voted in favor.

Mr. Martin presented a Planning Commission recommendation to approve an amendment to the WC Land Development Ordinance Article 11 to add Part B – Illicit Discharge and Connection Stormwater Ordinance. Commissioner Turner made a motion to approve the amendment. Commissioner Ayers seconded the motion; voted and carried unanimously.

The Board considered a request by Terramax, LLC. to waive the curb and gutter requirements on a subdivision located on Alcovy Mountain Road. John Brewer came before the Board in support of the request. There was no one present in opposition to the request. Commissioner Palmer made a motion to waive the curb and gutter requirements. Commissioner Atha seconded the motion. All voted in favor.

Ben Carter of Carter Watkins Associates presented bids received for the construction of the Walton County Senior Citizens Center. After discussion regarding various value engineering options, Commissioner Ayers made a motion to approve the low bid from Hartley Construction Company and approve the contract with the County doing the grassing, gravel and asphalt, taking that portion of the budgeted funds out of the project and putting those funds into the County's general fund to pay for the materials, deleting the sliding petition, not relocating the refrigerator, removing the shutters and removing the hard tie-in to the downspout drain. Commissioner Turner seconded the motion. All voted in favor.

Commissioner Turner made a motion to table a decision on a proposal from Tommy Craig regarding the bypass. Commissioner Green seconded the motion; voted and carried unanimously.

Commissioner Turner made a motion to approve a contract with Interpreting Resources International, Inc. for a Spanish interpreter for the Magistrate Court. Commissioner Robinson seconded the motion. All voted in favor.

Commissioner Robinson made a motion to ratify an agreement with Steve Merka regarding a fence located within the right of way of Gratis Road. Commissioner Green seconded the motion; voted and carried unanimously.

Commissioner Turner made a motion to adopt a resolution approving the submittal of the updated Northeast Georgia Regional Solid Waste Plan to the Department of Community Affairs for review. Commissioner Green seconded the motion. All voted in favor.

Commissioner Robinson made a motion to approve a Wastewater Allocation Request to the E.P.D. Commissioner Turner seconded the motion. All voted in favor.

The Board considered a request from the Planning Commission and Board of Appeals for a Per Diem in the amount of \$50.00 per month for each member. Commissioner Ayers made a motion to approve the request effective July 1, 2004, contingent upon the members agreeing that they have physically visited each effected property. Commissioner Green seconded the motion; voted and carried unanimously.

Commissioner Turner made a motion to receive bids for replacement of the bridge on Chandler Haulk Road. Commissioner Ayers seconded the motion; voted and carried unanimously.

Commissioner Robinson made a motion to authorize the Chairman to meet with the County Attorney to get a list of citizens who would be interested in serving on the Walton County Personnel Advisory Board and bring those names back to the Board for consideration. Commissioner Ayers seconded the motion. All voted in favor.

Gerald Atha Spoke during the public comment segment of the meeting.

At 9:04 p.m., Commissioner Green made a motion, seconded by Commissioner Turner, to adjourn the meeting. All voted in favor.

All documents of record for this meeting are on file in either the addendum book or auxiliary file under this meeting date.

KEVIN W. LITTLE, CHAIRMAN

LETA P. TALBIRD, CLERK

CLINTON AYERS, DISTRICT 1

MICHAEL TURNER, DISTRICT 2

HARRY P. GREEN, DISTRICT 3

LAMAR PALMER, DISTRICT 4

GERALD ATHA, DISTRICT 5

JOHN ROBINSON, DISTRICT 6